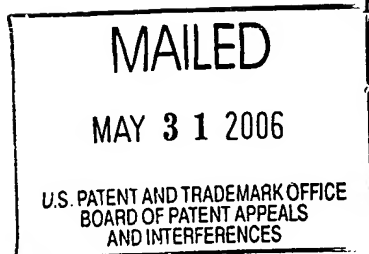


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

_____ Ex parte CARL E. WHITCOMB _____

_____ Application No. 10/823,379 _____

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 11, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On February 1, 2006, the examiner mailed an Examiner's Answer. A review of the application reveals that on page 2 of the Answer, section (8) entitled "Evidence Relied Upon," the examiner indicates that no evidence is relied upon in the rejection of claims on appeal. However, in section (9) entitled "Grounds of Rejection," the examiner rejects claims 1-4, 9-11, 13, 14, 26-28, 31, 35, 60, 62 and 63 under 35 U.S.C. § 103(a) as being unpatentable over Single in view of Waterer; and claims 5-8, 12, 15-24, 29, 32-34, 36-38, 40, 41 and 61 under 35 U.S.C. § 103(a) over Single as modified by Waterer and further in view of Anderson.

Application No. 10/823,379

The Manual of Patent Examining Procedure (MPEP) § 1207.02 states:

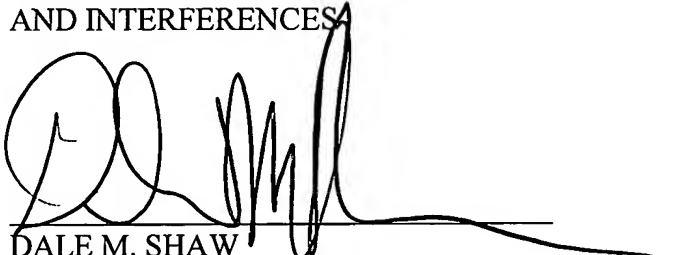
8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

Accordingly, it is

ORDERED that the application is returned to the examiner to vacate the Examiner's Answer mailed on February 1, 2006, and to issue a revised Answer identifying the "Evidence Relied Upon" in the rejection of claims on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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